

# **EXHIBIT CC**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

HACHETTE BOOK GROUP, INC.,  
HARPERCOLLINS PUBLISHERS LLC,  
JOHN WILEY & SONS, INC., and  
PENGUIN RANDOM HOUSE LLC,

Plaintiffs,

vs.

No. 1:20-cv-04160-JGK

INTERNET ARCHIVE and DOES 1  
through 5, inclusive,  
Defendants.

\_\_\_\_\_ /

-- ATTORNEYS' EYES ONLY --

VIDEOTAPED RULE 30(B)(1) AND 30(B)(6) DEPOSITIONS OF  
HARPERCOLLINS PUBLISHERS LLC BY JOSH MARWELL

Remote Zoom Proceedings

New York, New York

Friday, December 3, 2021

REPORTED BY:

LESLIE ROCKWOOD ROSAS, RPR, CSR 3462

Pages 1 - 257

Job No. 4867775

Page 1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF NEW YORK  
3  
4

5 HACHETTE BOOK GROUP, INC.,  
6 HARPERCOLLINS PUBLISHERS LLC,  
7 JOHN WILEY & SONS, INC., and  
8 PENGUIN RANDOM HOUSE LLC,

9 Plaintiffs,

10 vs.

No. 1:20-cv-04160-JGK

11 INTERNET ARCHIVE and DOES 1  
12 through 5, inclusive,  
13 Defendants.  
14 \_\_\_\_\_/

15 -- ATTORNEYS' EYES ONLY --  
16

17 Videotaped Rule 30(b)(1) and 30(b)(6)  
18 depositions of HarperCollins Publishers LLC by  
19 JOSH MARWELL, taken on behalf of Defendants, Remote Zoom  
20 Proceedings from New York, New York, beginning at  
21 10:58 a.m. Eastern Standard Time and ending at 6:46 p.m.  
22 Eastern Standard Time, on Friday, December 3, 2021,  
23 before Leslie Rockwood Rosas, RPR, Certified Shorthand  
24 Reporter No. 3462.  
25

1 APPEARANCES:

2  
3 FOR THE PLAINTIFFS:

4 DAVIS WRIGHT TREMAINE LLC

5 BY: LINDA STEINMAN, ESQ.

6 1251 Avenue of the Americas, 21st Floor

7 New York, New York 10020

8 (212) 603-6409

9 lindasteinman@dwt.com

10  
11  
12 FOR THE DEFENDANT INTERNET ARCHIVE:

13 DURIE TANGRI LLP

14 BY: JESSICA E. LANIER, ESQ.

15 217 Leidesdorff Street

16 San Francisco, California 94111

17 (415) 362-6666

18 jlanier@durietangri.com

19  
20  
21 Also Present:

22 Andrew Jacobs, Esq. (HarperCollins Inhouse Counsel)

23 John Macdonell, Videographer

24 Chelsea Gilchrist, Concierge

25

Page 3

1 commerce part in that sense.

2 Q. Got it. Okay.

3 Is there a -- a separate sales or commerce  
4 department that contends with physical sales to libraries  
5 as opposed to digital transactions with libraries? 12:04:50

6 A. Physical books to library are also sold through  
7 wholesalers, Baker + Taylor being one of the major ones.  
8 Ingram has a piece of it, and there's a lot of other  
9 smaller players that get involved.

10 But the best way, I think, to think of it is 12:05:09  
11 that we have a library marketing department when's job it  
12 is to drum up buzz about our authors and our books and  
13 looking for opportunities.

14 So it's -- you know, they'll -- that's their --  
15 that's their focus. 12:05:25

16 Q. Got it. Okay.

17 And we're almost done with this document, I  
18 promise. Just a couple more questions.

19 The "Academic" heading just below library, do  
20 you see that? 12:05:41

21 A. Yes.

22 Q. What does "Academic" refer to in the context of  
23 this email?

24 A. Again, we -- this is a subset of our department  
25 that focuses on marketing to professors to adopt our 12:05:55

1 STATE OF CALIFORNIA ) ss:

2 COUNTY OF MARIN )  
3

4 I, LESLIE ROCKWOOD ROSAS, RPR, CSR NO. 3462, do  
5 hereby certify:

6 That the foregoing deposition testimony was  
7 taken before me at the time and place therein set forth  
8 and at which time the witness was administered the oath;

9 That testimony of the witness and all objections  
10 made by counsel at the time of the examination were  
11 recorded stenographically by me, and were thereafter  
12 transcribed under my direction and supervision, and that  
13 the foregoing pages contain a full, true and accurate  
14 record of all proceedings and testimony to the best of my  
15 skill and ability.

16 I further certify that I am neither counsel for  
17 any party to said action, nor am I related to any party  
18 to said action, nor am I in any way interested in the  
19 outcome thereof.

20 IN WITNESS WHEREOF, I have subscribed my name  
21 this 6th day of December, 2021.  
22

23  
24 

25 LESLIE ROCKWOOD ROSAS, RPR, CSR NO. 3462